

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Wireless Emergency Alerts	)	PS Docket 15-91
	)	
Amendments to Part 11 of the Commission's Rules	)	PS Docket 15-94
Regarding the Emergency Alert System	)	
	)	

**NOTICE OF OPPOSITION TO CTIA's PETITION FOR RECONSIDERATION**

Submitted Electronically December 21, 2016

**I. INTRODUCTION AND SUMMARY**

NYCEM<sup>1</sup> respectfully submits this Notice of Opposition ("Notice") to the Federal Communications Commission ("Commission") in response to the Petition for Reconsideration of Action in Rulemaking ("Petition") filed by The Wireless Association ("CTIA").<sup>2</sup> In summary, NYCEM argues that:

- Implementation of embedded references should not be deferred past one year;
- Delaying support for Spanish-language Alert Messages would unnecessarily continue to underserve communities and if the Commission were to change the deadline to be concurrent with support for 360-character messages on 4G-LTE and future networks and devices, the deadline should be two years, not thirty months;
- All devices, not only new devices, capable of receiving Alert Messages, should support embedded references, even if the device is not internet-capable; and

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<sup>1</sup> New York City Emergency Management ([www1.nyc.gov/site/em/index.page](http://www1.nyc.gov/site/em/index.page)) is a coordinating agency for the City of New York. The agency plans and prepares for emergencies, educates the public about preparedness, coordinates emergency response and recovery, and collects and disseminates emergency information. The agency maintains a disciplined unit of emergency management personnel — including but not limited to: responders, planners, watch commanders, logisticians, community outreach, communications, administrative and support staff — to identify and respond to various hazards.

<sup>2</sup> See Petition for Reconsideration of CTIA, Dec. 1, 2016, PS Docket Nos. 15-91 and 15-94.

- “Clickable” has a common-sense definition that does not need to be clarified, but, if a definition is to be enumerated, the common-sense definition should be used.

## **II. IMPLEMENTATION OF EMBEDDED REFERENCES DOES NOT NEED TO BE DEFERRED PAST THE COMMISSION’S IMPLEMENTATION DATE OF NOVEMBER 1, 2017.**

The Commission’s Wireless Emergency Alert (“WEA”) Report and Order (“*WEA Report and Order*”)<sup>3</sup> requires Participating Commercial Mobile Service Providers (“CMSPs”) to support embedded references in WEA Alert Messages by November 1, 2017. As the Commission explained in the *WEA Report and Order*, the “inclusion of embedded URLs and phone numbers is a critical modification that can and must be prioritized.”<sup>4</sup> CTIA argues that implementation of this upgrade should be deferred pending feasibility testing.<sup>5</sup> NYCEM believes the Commission has already addressed CTIA’s concerns, and should not defer the implementation deadline.

### **A. The Commission Has Fully Considered Issues of Network Congestion.**

NYCEM believes the Commission’s deadline of November 1, 2017 for requiring CMSP support of embedded references is sufficient. As the Commission noted in its *WEA Report and Order*, alert originators can “constrain the amount of data that is made available through an embedded reference,” while milling behavior may lead consumers to multiple, larger websites while searching for a source as “authoritative and comprehensive” as could be provided directly by an alert originator.<sup>6</sup> Further, neither CMSPs<sup>7</sup> nor CTIA’s petition offers evidence in support of the claim that links embedded in emergency messages cause substantial network congestion. Instead, the Petition provides references to websites, which are not the responsibility of CMSPs, that may have been overburdened by embedded references in

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<sup>3</sup> *WEA Report and Order*

<sup>4</sup> *WEA Report and Order*, September 29, 2016, at ¶ 80.

<sup>5</sup> *See* Petition for Reconsideration of CTIA, Dec. 1, 2016, at 2-7.

<sup>6</sup> *WEA Report and Order*, September 29, 2016, at ¶ 30 and 32.

<sup>7</sup> *WEA Report and Order*, September 29, 2016, at ¶ 27 (“Conversely, Participating CMS Providers treating [the issue of embedded references] state that including embedded references in Alert Messages risks data network congestion, but have offered no support for their claim.” (footnote omitted)).

emergency messages, but not of substantial network congestion.<sup>8</sup> NYCEM's comments today are in line with our previous filings on this topic where we note that alert originators need to consider their website or call center's ability to handle a large influx of calls.<sup>9</sup>

**B. The Commission Has Already Allowed CMSPs Unable To Comply To Request A Waiver.**

Moreover, NYCEM believes that the Commission should not consider changing the deadline without sufficient evidence of network congestion. If any testing undertaken by CMSPs in preparation for implementation of the embedded reference requirement shows the substantial increased network congestion alleged by providers, and necessitates further testing or upgrades in order to make the inclusion of references achievable, CMSPs will be able to request a waiver under the Commission's rules.<sup>10</sup>

**C. The Compliance Deadline Is Not Arbitrary, As CMSPs Already Have The Ability To Embed References.**

NYCEM disagrees with the Petition's claim that the one-year compliance deadline is arbitrarily short. Given the current rules and record, understanding the importance of embedded references,<sup>11</sup> and the lack of evidence that such references will lead to substantial network congestion,<sup>12</sup> NYCEM believes one year is more than sufficient to implement embedded references in WEA Alert Messages.

Indeed, CMSPs are already able to transmit Presidential Alert Messages that contain embedded references under the Commission's WEA Rules. As the Commission noted in the *WEA Report and Order*, CMSPs are "prohibited from distributing non-Presidential Alert Messages that contain embedded references (*i.e.*,

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<sup>8</sup> Petition for Reconsideration of CTIA, Dec. 1, 2016, at 3-4.

<sup>9</sup> Comments of NYCEM, December 29, 2015, at 9-10; NYCEM Notice of *Ex Parte*, March 8, 2016, at 3, filed in PS Docket Nos [PS 15-91].

<sup>10</sup> See 47 C.F.R. § 1.3. See also WEA Report and Order, September 29, 2016, at ¶ 80.

<sup>11</sup> WEA Report and Order, September 29, 2016, at ¶ 35.

<sup>12</sup> *Supra* § II.A. and accompanying footnotes.

phone numbers or Uniform Reference Locators (URLs)).”<sup>13</sup> However, CMSPs are obligated to transmit Presidential Alerts, “regardless of content provided [the alert] satisfies the . . . character limit.”<sup>14</sup> Thus, NYCEM does not believe the record requires a timeline longer than one year for CMSPs to implement a capability they already have.

### **III. SUPPORT FOR SPANISH-LANGUAGE ALERT MESSAGES SHOULD NOT BE DELAYED ANOTHER SIX MONTHS.**

The Commission has ordered that WEA support Spanish-language Alert Messages within two years, and an increased character count to 360 characters within 30 months. NYCEM disagrees with CTIA’s argument that the two deadlines should occur in 30 months. For the reasons discussed below, NYCEM believes that if the Commission were to modify the deadlines for these requirements, it should do so to mandate that both changes be implemented within two years, rather than 30 months.

The Commission noted in its *WEA Report and Order* that translating messages to Spanish increases the number of characters contained in the message.<sup>15</sup> CTIA explained that increasing the character limit for WEA messages will allow alert originators to translate messages into Spanish with less risk of reaching or exceeding the maximum character count.<sup>16</sup> The addition of Spanish-language messaging is supported by “[t]he overwhelming majority of emergency management agencies,” as it allows them to reach Spanish-speaking populations not previously accessible to them and better alert them in an emergency.<sup>17</sup> In the New York City Metro Area, 881,727 people speak Spanish at home and speak English less than “very well.”<sup>18</sup> Nationwide, 16,437,140 people fit that category.<sup>19</sup> Providing Spanish-Language Alert Messages is

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<sup>13</sup> WEA Report and Order, September 29, 2016, at ¶ 26 and 47 C.F.R. § 10.440.

<sup>14</sup> See CMAS First Report and Order, April 9, 2008, at ¶ 46 and footnote 143.

<sup>15</sup> WEA Report and Order, September 29, 2016, at note 64.

<sup>16</sup> See Petition for Reconsideration of CTIA, Dec. 1, 2016, at 10.

<sup>17</sup> WEA Report and Order, September 29, 2016, at ¶ 44.

<sup>18</sup> American Community Survey 2015, U.S. Census Bureau, <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (last accessed Dec. 7, 2016) (data available for the New York City Metro Area, defined by the Census Bureau as “New York city, NY; New York-Newark-Jersey City, NY-NJ-PA Metro Area”).

of utmost importance for this population and the emergency management departments that serve them.

Given the importance of Spanish-language messages and the potential benefits of reaching this population, NYCEM asks the Commission to consider CTIA's claim that the deadlines should be concurrent, but to consider adjusting the compliance date for the increased character count to match the two-year compliance date for Spanish-language Alert messages, rather than the other way around. In any event, NYCEM does not believe that implementation of Spanish-language Alert Messages should be delayed beyond two years.

#### **IV. EMBEDDED REFERENCES SHOULD BE REQUIRED FOR ALL DEVICES THAT SUPPORT THEM.**

CTIA believes "support for embedded references can only be implemented in new devices."<sup>20</sup> NYCEM disagrees. All devices capable of displaying embedded references should receive embedded references. While many legacy devices remain connected to the network, that these devices may not be able to load a web page pointed to by a URL does not diminish the usefulness of the information. Consumers can load webpages on other devices, and the information will be useful to them regardless of whether the device that received the message can access it. The Commission should clarify that all WEA-capable devices should receive embedded references, even if that device is not internet-capable.

#### **V. "CLICKABLE" HAS A COMMON-SENSE DEFINITION CLEAR TO CONSUMERS AND CMSPs.**

CTIA argues that "clickable" is unclear and needs to be clarified.<sup>21</sup> NYCEM disagrees, and believes that clickable has a plain-meaning, common-sense definition, and that the Commission need not clarify the term. If necessary, NYCEM believes the Commission should clarify that "clickable" has a common-sense

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<sup>19</sup> American Community Survey 2015, U.S. Census Bureau, <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk> (last accessed Dec. 7, 2016).

<sup>20</sup> See Petition for Reconsideration of CTIA, Dec. 1, 2016, at 9.

<sup>21</sup> See Petition for Reconsideration of CTIA, Dec. 1, 2016, at 8.

definition: on-screen objects are “clickable” when selecting one with a touch or other device-supported input method will cause the device to take an action. For example, a link is “clickable” when selecting it will launch a browser and load the page the link references, and a phone number is “clickable” when selecting it will open the device’s phone application, if applicable, and enter the phone number, allowing the user to call it. Consumers, CMSPs, device makers, and software developers understand the definition of “clickable,” and understand that embedded references should be “clickable.”